



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,363	12/28/2001	Paul D. Jenkins	069270.0103	2066

7590 05/03/2006

Baker Botts L.L.P.  
Suite 600  
2001 Ross Avenue  
Dallas, TX 75201-2980

EXAMINER
----------

SING, SIMON P

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/035,363

Applicant(s)

JENKINS ET AL.

Examiner

Simon Sing

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,9,14,15,17,22,23 and 25 is/are rejected.
- 7) ☒ Claim(s) 2-5,8,10-13,16,18-21 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 6, 7, 9, 14, 15, 17, 22, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers et al. US 5,946,386.

1.1 Regarding claims 1, 17 and 25, Rogers discloses a method for recording a voice message from a caller, comprising steps of:

maintaining a plurality of rules governing voice messages, each rule specifying a trigger event (caller transferred to voicemail based on called party's direct choice (rule a), or VIP rules (rule b)), conditional criteria (voice message and called party's ID received) and an action (deposit voice message in called port's voice mailbox, updating message count) (column 44, lines 37-57; column 13, lines 40-44);

detecting an occurring event (caller routed to voicemail) for an enterprise message, the enterprise message comprising a voice message and categorization data (called party's ID) elicited from a caller during an interactive session in which the voice message is received from the caller (column 44, lines 44-57; column 11, lines 22-39), the categorization data specifying association between the message and information associated the called party's mailbox in a voice messaging system (data system);

determining whether the occurring event matches the triggering event specified for a selected one of the rules (caller transferred to voicemail based on called party's choice, or VIP rules);

if events match, determining whether the categorization data satisfy the conditional criteria (voice message and called ID and called party ID received);

if the criteria are met, deposit the voice message in called party's voice mailbox (requiring called party's ID), updating (modification) message count in the mailbox (column 44, lines 44-57; column 43, lines 28-67).

1.2 Regarding claims 6 and 22 as discussed above, the voice message is routed to the called party's mailbox.

1.3 Regarding claims 7 and 23 as discussed above, the occurring event is routing an incoming call to voice messaging system to record an enterprise message.

1.4 Regarding claim 9, Rogers discloses call management computer 101 (server) in figures 1 and 2, comprising:

- a telephony service module (CO Trunk Interface 203) operable to establish a voice channel with a caller and to receive a voice message from the caller (column 8, lines 24-27; column 44, lines 44-57);

- a data services module (PBX Trunk Interface 206) operable to couple to a voice messaging system 116 (data system);

- an integration module (DSP 208) operable to elicit categorization data (called party's ID) from the caller during an interactive session in which the voice message is received from the caller, the categorization data specifying associations between the voice message and information associated with called party's mailbox in the voice messaging system (column 11, lines 21-39), the integration module further operable to:

  - store the voice message and the categorization data (column 44, lines 44-57);

  - maintain a plurality of rules governing voice messages, each rule specifying a trigger event (caller transferred to voicemail based on called party's direct choice (rule a), or VIP rules rule b)), conditional criteria (voice message and called party's ID received) and an action (deposit voice message in called port's voice mailbox, updating message count) (column 44, lines 37-57; column 13, lines 40-44);

  - detecting an occurring event (caller routed to voicemail) for an enterprise message (column 44, lines 44-57; column 11, lines 22-39);

determining whether the occurring event matches the triggering event specified for a selected one of the rules (caller transferred to voicemail based on called party's choice, or VIP rules);

if events match, determining whether the categorization data satisfy the conditional criteria (voice message and called ID and called party ID received);

if the criteria are met, deposit the voice message in called party's voice mailbox (requiring called party's ID), updating (modification) message count in the mailbox (column 44, lines 44-57; column 43, lines 28-67).

1.5 Regarding claim 14 as discussed above, the voice message is routed to the called party's mailbox.

1.6 Regarding claim 15 as discussed above, the occurring event is routing an incoming call to voice messaging system to record an enterprise message.

2. Claims 1, 9, 17 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Stephens et al. US 6,259,772.

Stephens discloses a system and method for recording and delivering a voice message, comprising:

maintaining a plurality of rules governing voice messages, each rule specifying a trigger event (voice message received), conditional criteria (scheduled delivery (rule a)

Art Unit: 2614

or not (rule b)) and an action (delivery the voice message) (column 3, line 66 to column 4, line 20; column 7, line 17 to column 8, line 46);

detecting an occurring event (voice message received) for an enterprise message, the enterprise message comprising a voice message and categorization data (delivery schedule) elicited from a caller during an interactive session in which the voice message is received from the caller (column 7, lines 17 to column 8, line 46), the categorization data specifying association between the message and information in a data system (delivery schedule);

determining whether the occurring event matches the triggering event specified for a selected one of the rules (voice message received);

if events match, determining whether the categorization data satisfy the conditional criteria (delivery schedule);

if the criteria are met, delivery the voice message as scheduled, and updating a message delivery status when the voice message is delivered (column 8, line 47 to column 9, line 60).

***Allowable Subject Matter***

3. Claims 2-5, 8, 10-13, 16, 18-21 and 24 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2614

4. The following is a statement of reasons for the indication of allowable subject matter:

The prior arts cited above fail to teach the claimed limitations cited in these claims.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) US 5,687,220 (Finnigan).
- b) US 5,909,483 (Weare et al).
- c) US 6,069,890 (White et al).


6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.





S. Sing

04/26/2006



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600